

[No. MC-29910 (Sub No. 102)]

**ARKANSAS-BEST FREIGHT SYSTEM,  
INC., EXTENSION-PAPER PRODUCTS**

**Order Modifying Report and Order**

At a Session of the Interstate Commerce Commission, Division 1, Acting as an Appellate Division, held at its office in Washington, D.C., on the 12th day of July 1972. Arkansas-Best Freight System, Inc., Extension-Paper Products, (Fort Smith, Ark.).

Upon consideration of the record in the above-entitled proceeding, and of:

(1) Petition of Red Ball Motor Freight, Inc., filed March 24, 1972, for reconsideration;

(2) Petition of applicant, filed March 24, 1972, for reconsideration;

(3) Reply by applicant, filed April 5, 1972, to (1) above; and

It appearing, that by report and order of February 2, 1972, the Commission, Review Board Number 2, authorized the granting to applicant of a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of paper products, from the plantsites and warehouse facilities of International Paper Co., at Springhill, La., and Bastrop, La., to points in Illinois, Indiana, and Ohio.

It further appearing, that the application as filed sought authority to handle the named commodities of "paper and paper products," and that the notice in the FEDERAL REGISTER erroneously referred only to "paper products" and that applicant's attorney and representatives through inadvertence and oversight, failed to note this error in the FEDERAL REGISTER;

It further appearing, that the evidence of record shows that the supporting shipper, International Paper Co., has a need for the proposed service by applicant in the transportation of paper in addition to the service authorized by the Review Board, and that the grant of authority made should accordingly be modified to include this commodity;

It further appearing, that because it is possible that other parties, who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority as modified, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 35 days from the date of such publication, during which period any proper party in interest may file an appropriate petition seeking leave

to intervene in this proceeding showing in specific detail the manner in which it has been materially adversely affected by this grant of authority; and good cause appearing therefor:

*It is ordered*, That in No. MC-29910 (Sub-No. 102), the said report and order of February 2, 1972, be, and it is hereby modified, by adding the words "paper and" to the commodity description appearing on line 4 of the findings paragraph appearing on page 5 thereof.

*It is further ordered*, That in all other respects the petitions be, and they are hereby, denied for the reasons that the findings of Review Board Number 3 as modified, are in accordance with the evidence and the applicable law.

*It is further ordered*, That, unless compliance is made by applicant with the requirements of Sections 215, 217, and 221(c) of the Interstate Commerce Act within 90 days after the date of service hereof, or within such additional time as may be authorized by the Commission, the grant of authority shall be considered as null and void, and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

*It is further ordered*, That this order be published in the FEDERAL REGISTER.

By the Commission, Division 1, acting as an Appellate Division.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-12228 Filed 8-3-72;8:52 am]

**CENTRAL RAILROAD COMPANY OF  
NEW JERSEY**

**Rerouting or Diversion of Traffic**

Upon further consideration of ICC Order No. 68 (The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee) and good cause appearing therefor:

*It is ordered*, That:

ICC Order No. 68 be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date*. This order shall expire at 11:59 p.m., August 31, 1972, unless otherwise modified, changed, or suspended.

*It is further ordered*, That this amendment shall become effective at 11:59 p.m., August 1, 1972, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed

with the Director, Office of the Federal Register.

Issued at Washington, D.C., July 31, 1972.

INTERSTATE COMMERCE COM-  
MISSION,  
[SEAL] R. D. PFAHLER,  
Agent.

[FR Doc.72-12230 Filed 8-3-72;8:53 am]

[No. MC-C-3868 (Sub-No. 1)]

**NORTHSIDE MOVING AND STORAGE**

**Order Revoking Certificate**

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 12th day of July, 1972.

Moses E. McCray, Jr., doing business as Northside Moving and Storage, Cincinnati, Ohio.

It appearing, that by order of September 27, 1963, in the above-entitled proceeding, the Commission, Temporary Authorities Board, revoked Certificate No. MC-41986, dated October 8, 1953, for failure to have on file with the Commission insurance for the protection of the public, as required by section 215 of the Act and for failure to comply with the adequate service requirement of section 216(b) of the Act and the terms, conditions, and limitations of said certificate, and that the said order became effective on November 22, 1963;

It further appearing, that by petition tendered for filing April 10, 1972, respondent requests that Certificate No. MC-41986 be reinstated;

Upon consideration of the record in the above-entitled proceeding, and of said petition; and good cause appearing therefor:

*It is ordered*, That the said petition be, and it is hereby, accepted for filing.

*It is further ordered*, That notice of the petition be published in the FEDERAL REGISTER.

*It is further ordered*, That this proceeding, subsequent to the publication of the petition in the FEDERAL REGISTER, be, and it is hereby, designated for further processing to receive evidence as to whether a reinstatement is required by the public convenience and necessity and as to respondent's present fitness to conduct the concerned operations.

*It is further ordered*, That the petition in all other respects, be, and it is hereby, denied.

By the Commission, Division 1.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc.72-12229 Filed 8-3-72;8:53 am]

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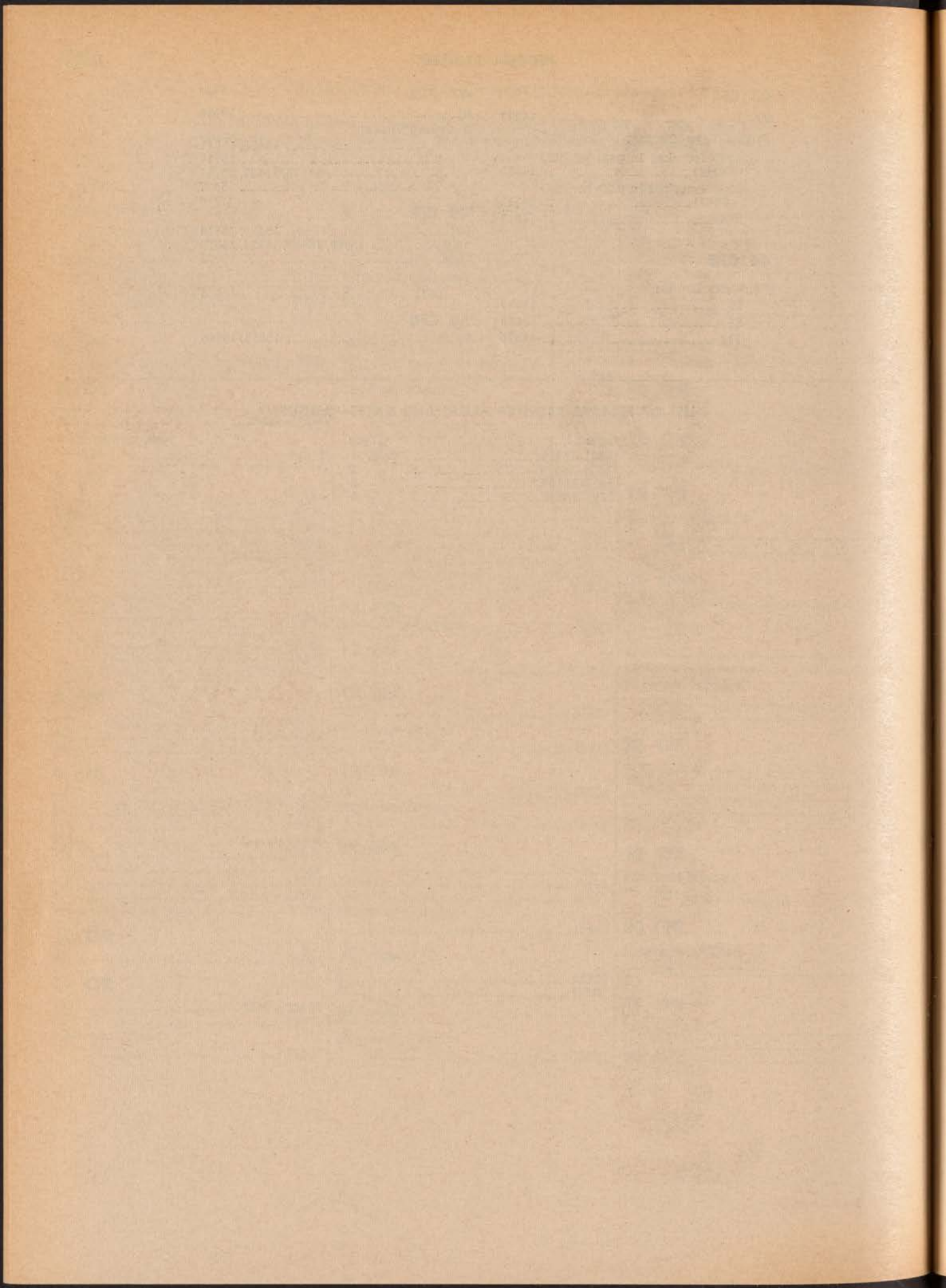
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# federal register

FRIDAY, AUGUST 4, 1972

WASHINGTON, D.C.

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PART II



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## DEPARTMENT OF TRANSPORTATION

Coast Guard



### BOATING SAFETY

Boats and Associated Equipment,  
Defect Notification, and Manufacturer  
Requirements

## Title 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter I—Coast Guard, Department of Transportation

#### SUBCHAPTER 5—BOATING SAFETY

[CGD 72-55R]

#### PART 179—DEFECT NOTIFICATION

The purpose of this amendment is to establish rules regarding notification of defects on boats, inboard engines, outboard engines, and stern drive units.

A notice of proposed rule making was published in the FEDERAL REGISTER on April 5, 1972 (37 F.R. 6869), proposing that outboard engines, inboard engines, and stern drive units be defined as "associated equipment" for purposes of section 15 of the Federal Boat Safety Act of 1971 and establishing related notification and reporting procedures.

On May 3, 1972, a public hearing was held at U.S. Coast Guard Headquarters in Washington, D.C. Five written comments were received. The American Boating Association and two individuals supported the concept of defect notification.

One commenter related his personal accident experience and commented that a defect notification system should focus on subsequent purchasers for whom, he contends, manufacturers do not appear to have any real responsibility under the existing law or regulations, because defects will frequently occur in older boats and after they have changed hands. The fifth comment, submitted on behalf of the Boating Industry Association, the Outboard Motor Manufacturers Association, the Boat Manufacturers Association, and the National Association of Engine and Boat Manufacturers, supported by both oral statements at the public hearing, suggested several changes from the proposal including changing proposed §§ 179.05 and 179.11 to allow manufacturers, after approval by the Commandant, to delay beyond 30 days all or part of the notification specified by section 15(c) of the Act. Since defects in question involve serious hazards, it is essential that the purchaser receive prompt notice. On the other hand, where a manufacturer is unable to meet time requirements, section 9 of the Act provides for appropriate exemptions, including extensions of the time limit for reporting, if necessary. For these reasons this suggested change is not adopted.

The comment also recommended changing proposed § 179.09 to allow a manufacturer to include in a defect notice the range of inclusive serial numbers of potentially affected products as an alternative to the inclusive dates of manufacture. Since some products may be more easily identified by the purchaser using the serial number, this change is made in § 179.09 as adopted.

The commenter suggested further that a section be added to proposed Part 179 to require that distributors and dealers selling boats or marine accessories maintain purchaser records and transmit the

recorded data to manufacturers, unless a manufacturer certifies that he has adopted an alternative method of purchaser recordkeeping. The authority of the Coast Guard to issue regulations under section 15 of the Act is limited by section 15(b) (1), which imposes the obligation of "creating and maintaining a list of such purchasers" upon the manufacturers, but not on distributors or dealers. Senate Report No. 92-248 (1971) describes the requirements of the section as follows:

This section \* \* \* sets forth certain responsibilities of manufacturers \* \* \* (at p. 22). There is no mention of any responsibilities of distributors and dealers. The proposal draws a parallel with the "Motor Vehicle Safety Standards" related to tire distributors and dealers. Unlike section 15 of the Federal Boat Safety Act, 15 U.S.C. 1402(f) reads in pertinent part as follows: The Secretary may establish, by order, procedures \* \* \* to be followed by distributors and dealers to assist manufacturers to secure the information \* \* \*.

The comment stresses: "While the legislative history of the Act provides assurance that maintenance of warranty cards could satisfy this reasonable diligence requirement, we are concerned that many manufacturers will not experience a high rate of warranty card return. \* \* \* this could expose manufacturers to liability and severe business loss." Regardless of previous experience with warranty card returns, a clear notice from the manufacturer of the importance of warranty card returns for notification and correction of defects purposes may increase the number of returns and reduce the manufacturing liability risks. The Coast Guard is not convinced that manufacturers who exercise "reasonable diligence in creating and maintaining a list" will [nevertheless] be exposed "to liability and severe business loss." There are several problems preventing adoption of the suggestion, in addition to lack of authority, including:

- (1) Antitrust.
- (2) Disclosure of customer names.
- (3) Jurisdiction over innumerable dealers and distributors.
- (4) Lack of experience as to the inadequacy of warranty cards or other systems.

Therefore, the suggested regulations are not adopted.

The comment also proposed that a section be added to the proposed regulations to allow records of purchasers to be destroyed 4 years from the last day of the month in which a retail purchase occurred. Neither the Coast Guard nor the industry has had lengthy experience in the management of the defect notification program. While it may be desirable from the manufacturer's viewpoint to have a time limit on the maintenance of a first purchaser list, it will be several years before the Coast Guard, through actual experience, can decide what time limit, if any, would be reasonable. So far, one major safety problem indicates that the suggested 4-year limitation may in fact be unreasonable. There have been numerous cases of a severe turn due to steering failures brought about by cor-

rosion caused by the use of dissimilar metals for steering components on many stern drive boats manufactured from 1964 through 1969. These defects have caused fatal accidents and severe injuries. One comment stated: "Suddenly, and without any warning whatsoever, the boat went into a severe port turn, throwing both the operator and myself into the water. The boat passed over both of us causing the injuries to myself and the death of my friend." Therefore, the suggested change is not adopted.

Upon consideration of all written and oral recommendations, the proposed amendment is adopted with the following changes:

1. "Authority: The provisions of this Part 179 issued under 46 U.S.C. 1464 (f) and (g); 49 CFR 1.46(o) (1)." (To bring the citation up to date.)

2. In paragraph (b) of § 179.09, the words "or serial numbers" are added after the words "\* \* \* inclusive dates (month and year) of the manufacture."

In the notice of proposed rule making, this rule was numbered as Part 171 of Subchapter S of Title 33 of the Code of Federal Regulations. The numbering has been changed from Part 171 to Part 179.

*Effective date.* This amendment is effective 30 days after publication.

Dated: July 12, 1972.

T. R. SARGENT,  
Vice Admiral, U.S. Coast Guard,  
Acting Commandant.

Sec.	
179.01	Purpose.
179.03	Definitions.
179.05	Manufacturer discovered defects.
179.07	Notice given by "more expeditious means."
179.09	Contents of notification.
179.11	Defects determined by the Commandant.
179.13	Initial report to the Commandant.
179.15	Followup report.
179.17	Penalties.
179.19	Address of Commandant.

*Authority:* The provisions of this Part 179 issued under 46 U.S.C. 1464 (f) and (g); 49 CFR 1.46(o) (1).

#### § 179.01 Purpose.

This part prescribes rules to implement section 15 of the Federal Boat Safety Act of 1971 governing the notification of defects in boats and associated equipment.

#### § 179.03 Definitions.

(a) "Act" means the Federal Boat Safety Act of 1971.

(b) "Manufacturer" means any person engaged in—

(1) The manufacture, construction, or assembly of boats or associated equipment; or

(2) The manufacture or construction of components for boats and associated equipment to be sold for subsequent assembly; or

(3) The importation into the United States for sale of boats, associated equipment, or components thereof.

- (c) "Boat" means any vessel—
- (1) Manufactured or used primarily for noncommercial use; or
  - (2) Leased, rented, or chartered to another for the latter's noncommercial use; or
  - (3) Engaged in the carrying of six or fewer passengers.
- (d) "Associated equipment" means an—
- (1) Inboard engine,
  - (2) Outboard engine, or
  - (3) Stern drive unit

as shipped, transferred, or sold from the place of manufacture and includes all attached parts and accessories.

**§ 179.05 Manufacturer discovered defects.**

Each manufacturer who is required to furnish a notice of a defect or failure to comply with a standard prescribed pursuant to section 5 of the Act by section 15(a) of the Act shall furnish that notice within 30 days after he discovers or acquires information of the defect or failure to comply.

**§ 179.07 Notice given by "more expeditious means."**

Each manufacturer who gives the notice required by section 15 of the Act by more expeditious means than certified mail must give such notice in writing.

**§ 179.09 Contents of notification.**

Each notice required by section 15(a) of the Act must include the following additional information:

- (a) The name and address of the manufacturer.
- (b) Identifying classifications including the make, model year, if appropriate, the inclusive dates (month and year) of the manufacture, or serial numbers and any other data necessary to describe the boats or associated equipment that may be affected.

**§ 179.11 Defects determined by the Commandant.**

A manufacturer who is informed by the Commandant under section 15(e) of the Act that a boat or associated equipment contains a defect relating to safety or failure to comply with a standard prescribed pursuant to section 5 of the Act shall, within 30 days of receipt of the information—

- (a) Furnish the notification described in section 15(c) of the Act to the persons designated in section 15(b) of the Act, or
- (b) Present his views to the Commandant by certified mail to establish that there is no defect relating to safety or failure of compliance.

**§ 179.13 Initial report to the Commandant.**

(a) When a manufacturer gives a notification required by section 15 of the Act, he shall concurrently send to the Commandant by certified mail—

- (1) A true or representative copy of each notice, bulletin, and other communication that he has given to the per-

sons required to be notified under section 15(b) of the Act;

(2) The total number of boats or associated equipment potentially affected by the defect or failure to comply with a standard prescribed pursuant to section 5 of the Act; and

(3) If discovered or determined by the manufacturer, a chronology of all principal events upon which the determination is based.

(b) A manufacturer may submit an item required by paragraph (a) of this section that is not available at the time of submission to the Commandant when it becomes available if the manufacturer explains why it was not submitted within the time required and estimates when it will become available.

**§ 179.15 Followup report.**

(a) Each manufacturer who makes an initial report required by § 179.13 shall submit a followup report to the Commandant by certified mail within 60 days after the initial report. The followup report must contain at least the following information:

- (1) A positive identification of the initial report;
- (2) The number of units in which the defect was discovered as of the date of the followup report;
- (3) The number of units in which corrective action has been completed as of the date of the followup report;
- (4) The number of first purchasers not notified because of an out-of-date name or address, or both; and
- (5) An updating of the information required by § 179.13.

(b) Each manufacturer shall submit any additional followup reports requested by the Commandant.

**§ 179.17 Penalties.**

(a) Each manufacturer who fails to furnish a notification as required by section 15(a) of the Act or fails to exercise reasonable diligence in fulfilling the undertaking given pursuant to section 15(c) of the Act is subject to the penalties prescribed by section 35(a) of the Act.

(b) Each manufacturer who fails to comply with any other provision of section 15 of the Act or the regulations in this part is subject to the penalties prescribed by section 35(b) of the Act.

**§ 179.19 Address of Commandant.**

Each report and communication sent to the Coast Guard required by this part must be submitted to:

U.S. Coast Guard (BBC/62), 400 Seventh Street SW., Washington, DC 20590.

[FR Doc.72-12020 Filed 8-3-72; 8:45 am]

[CGD 72-60]

**PART 181—MANUFACTURER REQUIREMENTS**

The purpose of these amendments to Subchapter S of Chapter 1, Title 33, Code of Federal Regulations, is to add a new Part 181, which contains manufacturer requirements for certification of compli-

ance and assignment of hull identification numbers.

A notice of proposed rule making was published in the FEDERAL REGISTER on April 22, 1972 (37 F.R. 8044), proposing adoption of manufacturer requirements under the authority of sections 5, 7, and 39 of the Federal Boat Safety Act of 1971 (85 Stat. 213, 215, 216, 228; 46 U.S.C. 1454, 1456, 1488).

On May 17, 1972, a public hearing was held at U.S. Coast Guard Headquarters in Washington, D.C., to receive the views of interested persons on the proposed regulations. During the period April 22, 1972, to May 31, 1972, written comments from interested persons were received. The Coast Guard has considered these oral and written comments in preparing the final rule.

The majority of comments received fall into three major subject areas: (i) Objections to requirements for date of manufacture, (ii) comments concerning the provisions for a private label option, and (iii) comments concerning the size, placement, contents, etc. of the certification label and other markings.

The objections to the proposed requirement for date of manufacture on the certification label were based, for the most part, on the contention that a date of manufacture shown on the certification label would influence the consumer to buy a boat or item of associated equipment bearing the most recent date of manufacture, the consumer thinking that such a boat or equipment is more current or better than an identical model showing an earlier date of manufacture.

In considering this objection, the Coast Guard reviewed the effect of similar rule making by the National Highway Traffic Safety Administration (NHTSA). In late 1968, NHTSA proposed regulations requiring that the date of manufacture of an automobile be shown on a certification label attached to the automobile. Foreign car manufacturers objected strenuously to this proposal since their cars would bear a date of manufacture 6 months or more "older" than comparable domestic autos. The requirement for date of manufacture, however, was retained in the final rule. During the past 3 years that the rule has been in effect, it has had virtually no adverse effect on the buying habits of automobile consumers. In view of this experience, the Coast Guard feels that the anticipated adverse effects of date of manufacture on boats and associated equipment will not materialize.

As an alternative to date of manufacture, one comment suggested that the date of certification shown on the certification label be the effective date of the latest applicable standard in effect when the product was built or manufactured. The difficulty with this procedure is that in time new products may be built in conformance with standards having an effective date several years old. If the consumer is to be misled at all by the dates on the certification label, he would surely be misled in this instance into thinking the product was not new or

current, or not built to the last standards.

Several comments suggested the use of a model year designation on the certification label as an alternative to the date of manufacture. This procedure would have the manufacturer build and certify to all applicable standards in effect at the commencement of the model year. If it were necessary for the Coast Guard to issue an "emergency" standard after commencement of the model year, the standard could specify a letter suffix be added to the model year on the label to indicate compliance with that standard. Another variation would have supplementary certification plates specified in the mid-model-year standard. Several comments noted that if there were ever any doubt in the mind of Coast Guard compliance personnel as to what standards a product were built to meet, the Coast Guard could always consult the manufacturers' records to determine the exact date of manufacture.

Several more reasons were given in favor of model year designations. Use of model year would encourage the manufacturer to build and certify ahead to the newest standards to become effective in a forthcoming model year. Finally, a model year option would permit the manufacturer to preprint certification labels in bulk quantities, whereas the date of manufacture will require each label to be individually stamped.

In considering these comments, the Coast Guard feels that the feasibility of the model year alternative depends upon being able to coordinate the effective dates of standards with the commencement of the model year. The additional procedures of using letter suffixes, or supplementary labels, or possibly having to review manufacturer records, would only complicate a regulation that must be kept simple and straightforward. Although the Coast Guard intends to make every reasonable effort to coordinate the effective dates of standards with commencement of model year, until experience shows that this can be done consistently, we feel it would be unwise to allow a model year dating option at this time. The requirement for date of manufacture is, therefore, retained in the final rule.

At the same time, we realize that some consumers may be conditioned to model year merchandising. We have, therefore, revised § 181.15 to allow the manufacturer the option of showing the model year on the certification label in addition to the date of certification. A further option is allowed the boat or hull manufacturer in that he may display the hull identification number (which contains the date of certification) on the certification label instead of the date of certification, or the boat or hull manufacturer may delete the date of certification from the label by showing the compliance statement allowed by § 181.15(a)(2)(ii). In either case, compliance personnel can determine the date of certification by referring to the hull identification number. It should be emphasized that the optional display of the hull identification number on the certification label will not

satisfy the requirement for display of the hull identification number on the hull transom contained in § 181.29.

Section 181.15 has also been revised to permit other specific items of consumer information to be displayed on the certification label. The provision for a private label option in § 181.9(b) was the subject of numerous comments. One comment indicated that the wording of § 181.9(b) appears to allow that only the private label merchandiser can affix the certification label. This was not the intent of the rule. Nothing in the rule prohibited a manufacturer from affixing a label bearing the name and address of a private label merchandiser. These arrangements are entirely between the manufacturer and private label merchandiser. To clarify this option, however, the wording of § 181.9(b) has been revised. In addition a definition of private label merchandiser has been added to § 181.3.

One comment indicated that the private label option of § 181.9(b) coupled with the date of certification requirements of § 181.15(b) could combine to give a private label merchandiser a dating advantage over a manufacturer. The comment contends that under the proposed rule, a private label merchandiser could delay accepting delivery of the product until the advent of the selling season and then affix a certification label showing the date on which the product is taken from the place of manufacture and enters trade channels.

This comment indicates a possible misunderstanding of § 181.15(b). The flexibility in selecting a date of certification allowed by § 181.15(b) applies equally to both the manufacturer and the private label merchandiser. If the manufacturer is able to stockpile a product at the place of manufacture for a private label merchandiser (and thereby delay affixing the certification label) then he can exercise the same option for the same product he will market under his name.

Another comment pointed out that the wording of § 181.9(b) extends the private label option to merchandisers of boats but not merchandisers of associated equipment. The wording of § 181.9(b) has therefore been revised to include associated equipment.

One comment recommended that the language in § 181.15(a), describing the contents of the certification label, be revised to more clearly show that the name and address of a private label merchandiser is permitted on the label. Section 181.15(a) has been revised accordingly to specifically show that the name of a private label merchandiser may be on the label.

Another comment expressed concern that if a person takes advantage of the private label provision in § 181.9(b), then he will be held responsible for compliance of the product and also be held liable for notifying first purchasers of defects or failure to comply with standards. The Coast Guard has permitted the use of private label because it is a long recognized and accepted marketing practice. Nothing in the rule requires or implies that in order to take advantage

of the private label practice a person must assume compliance responsibility. In a noncompliance incident, unless it should prove that the private label merchandiser is in some way at fault for improper handling of the product, then the manufacturer will retain responsibility for the failure to comply. Neither is the private label merchandiser liable for defects notification. Under section 15 of the Federal Boat Safety Act of 1971, this responsibility rests ultimately with the manufacturer.

The third subject area of the proposed regulation mentioned in numerous comments was that of labels or markings required; that is, their size, placement, method of attachment, etc. Several comments recommended that the regulations be revised to specifically allow the manufacturer to combine the various labels and markings required. In one such comment, it was suggested that the certification label and hull identification number on boats be combined in one label or marking and placed at the helm position.

As was previously noted, § 181.15 has been revised to permit the hull identification number, and certain other specific items of consumer information, to be shown on the certification label at the option of the manufacturer. Safety markings, such as capacity plates, should not be combined with other labels such as certification labels or hull identification numbers.

The Coast Guard feels that this would only reduce the prominence and effectiveness of the safety marking. The Coast Guard is, however, mindful of the manufacturers' concern with the number of labels or markings he may, in time, be required to display. We wish to keep these labels to a minimum. If in future rule making the number of required labels increases to any extent, we will reconsider the possibility of combining labels and markings.

Another comment on labels requested that the regulations leave the manufacturer as much freedom as possible to integrate the plates into his product in esthetically pleasing ways.

The requirements for plates have been made as broad and as flexible as possible. In a few instances, we have had to lay down specific requirements; e.g., minimum letter size for readability and placement of labels for visibility. The Coast Guard feels, however, that these requirements should not present any substantial design or styling conflicts.

One comment requested that the dimensions of Coast Guard required plates be made compatible with the requirements of various State laws. The rule does not specify dimensions for the plates or labels. Sections 181.17 (certification label) and 181.29 (hull identification number) do specify minimum letter size for readability.

However, all the other requirements for labels (i.e. permanence, etc.), in §§ 181.19 and 181.29, are general in nature and should not conflict with State requirements.

One comment pointed out that § 181.29 does not allow all possible methods of



affixing the hull identification number. Section 181.29 has, therefore, been revised to permit any method of affixing numbers which will meet the objectives of the rule.

One comment stated that the minimum size for the hull identification number was much too small and would soon be obliterated by paint, varnish, dirt, etc. The comment also suggested that the hull identification number be moved inside the boat to better protect it.

In establishing one-fourth of an inch as the minimum size for the hull identification number, the Coast Guard believes that the number will remain legible with reasonable and normal care. As for reading a hull identification number placed inside the hull, while this may be practical on relatively small boats, it may not be possible to read from alongside on a larger boat with relatively high freeboard or one having protective fairings along the sides.

Another comment stated that § 181.29 (a) did not provide a standard number location for non-transom-hull or multi-hull craft. Section 181.29(a) has been revised accordingly.

One comment requested that no limit be placed on the number of characters in the hull identification number so that a manufacturer could use special identifiers for model types, option groups, etc. Section 181.27 does permit a manufacturer to assign any arrangement and number of additional characters after the standard format of the hull identification number. These additional characters can be used to identify model types, option groups, etc.

With regard to assignment of hull identification numbers, one comment stated that manufacturers will need at least 6 months leadtime to obtain a manufacturer's I.D. code and set up assignment procedures. In considering this comment, the Coast Guard has established an effective date of November 1, 1972, for the requirements for assignment of hull identification numbers. We feel that this will provide ample leadtime.

In addition to the comments on date of manufacture, private label option, and label size, arrangement, etc., there were several comments of a more general nature.

One comment, directed toward the applicability of the certification requirements, stated that §§ 181.5 and 181.7 could be misconstrued to require a certification label on associated equipment to which no standards apply.

After considering this comment, The Coast Guard feels that § 181.5 specifically and positively states that the requirements for manufacturers apply to boats and associated equipment to which a standard applies. Possibly, the word "boat" in the phrase "boat safety standard" might be misleading and it is therefore deleted from the phrase wherever it appears in Part 181. However, it should be clear that if a standard does not apply to a particular boat or item of associated equipment then it cannot be certified.

One comment directed toward the requirements of Part 181 as a whole stated

that the regulations were unnecessary and expensive harassment of the boating public and industry. Two comments endorsed the requirements embodied in Part 181 as necessary and desirable.

The Coast Guard feels the requirements for certification labels and hull identification numbering are clearly for the benefit and protection of the American boating public. Certification will be an indispensable means of insuring compliance with Federal safety standards in the most economical and expedient way possible. Hull identification numbering will facilitate rapid and positive identification of lost and stolen boats and will account for specific boats in compliance and safety defects matters.

In the notice of proposed rule making, this rule was numbered as Part 172 of Subchapter S of Title 33, Code of Federal Regulations. The numbering has been changed from Part 172 to Part 181.

In consideration of the foregoing, Subchapter S of Chapter I, Title 33, Code of Federal Regulations, is amended by adding a new Part 181 to read as follows:

**Subpart A—General**

- Sec.
- 181.1 Purpose and applicability.
- 181.3 Definitions.

**Subpart B—Manufacturer Certification of Compliance**

- 181.5 Purpose and applicability.
- 181.7 Compliance certification label required.
- 181.9 Affixing labels.
- 181.11 Exceptions to labeling requirement.
- 181.13 Removal of labels.
- 181.15 Contents of label.
- 181.17 Label numbers and letters.
- 181.19 Construction of labels.

**Subpart C—Identification of Hulls**

- 181.21 Purpose and applicability.
- 181.23 Hull identification numbers required.
- 181.25 Hull identification number format.
- 181.27 Additional characters in hull identification number.
- 181.29 Hull identification number display.
- 181.31 Manufacturer identification assigned.

**AUTHORITY:** The provisions of this Part 181 issued under secs. 5, 7, and 39, 85 Stat. 213, 215, 216, 228; 46 U.S.C. 1454, 1456, 1488; 49 CFR 1.46(o) (1).

**Subpart A—General**

**§ 181.1 Purpose and applicability.**

This part prescribes requirements for the certification of boats and associated equipment and identification of boats to which section 4 of the Federal Boat Safety Act of 1971 applies.

**§ 181.3 Definitions.**

- As used in this part—
- (a) "Manufacturer" means any person engaged in—
  - (1) The manufacture, construction, or assembly of boats or associated equipment; or
  - (2) The importation into the United States for sale of boats, associated equipment, or components thereof.
- (b) "Boat" means any vessel manufactured or used primarily for noncommercial use; leased, or rented, or chartered to another for the latter's noncom-

mercial use; or engaged in the carrying of six or fewer passengers.

(c) "Associated equipment" means—

- (1) Any system, part, or component of a boat as originally manufactured or any similar part or component manufactured or sold for replacement, repair, or improvement of such system, part, or component;

- (2) Any accessory or equipment for, or appurtenance to, a boat; and

- (3) Any marine safety article, accessory, or equipment intended for use by a person on board a boat; but

- (4) Excluding radio equipment.

(d) "Date of certification" means the date on which a boat or item of associated equipment is certified to comply with all applicable U.S. Coast Guard safety standards in effect on that date.

(e) "Date of manufacture" means the month and year during which construction or assembly of a boat or item of associated equipment begins.

(f) "Model year" means the period beginning August 1 of any year and ending on July 31 of the following year. Each model year is designated by the year in which it ends.

(g) "Private label merchandiser" means any person engaged in the business of selling or distributing, under his own trade name, boats or items of associated equipment manufactured by another.

**Subpart B—Manufacturer Certification of Compliance**

**§ 181.5 Purpose and applicability.**

This subpart prescribes requirements for the certification of boats and associated equipment to which section 4 of the Federal Boat Safety Act of 1971 applies and to which a safety standard prescribed in Part 183 of this chapter applies.

**§ 181.7 Compliance certification label required.**

Unless there is affixed to it a certification label that contains the information required by § 181.15—

- (a) No person who manufactures, constructs, or assembles a boat or associated equipment may deliver that boat or equipment for the purpose of sale;

- (b) No person may import into the United States any boat or associated equipment; and

- (c) No person engaged in the business of selling or distributing boats or associated equipment may sell or offer for sale any boat or associated equipment.

**§ 181.9 Affixing labels.**

- (a) Each manufacturer of a boat or item of associated equipment to which a standard or regulation prescribed in Part 183 of this chapter applies shall affix a certification label that contains the information required by § 181.15 to that boat or equipment before it—

- (1) Leaves the place of manufacture for the purpose of sale; or

- (2) Is imported.

- (b) The manufacturer of a boat or item of associated equipment that is sold to a private label merchandiser may, at

the option of the private label merchandiser, affix a certification label identifying the private label merchandiser as the manufacturer before the boat or item of associated equipment leaves the place of manufacture.

**§ 181.11 Exceptions to labeling requirement.**

(a) This part does not apply to boats or associated equipment intended solely for export, and so labeled, tagged, or marked on the boat or equipment and on the outside of the container, if any, which is exported.

(b) If an item of associated equipment is so small that a certification label that meets the requirements in § 181.15 cannot be affixed to it, a certification label that contains the information required by § 181.15 may be printed on the smallest container in which the item is packed or on a slip packed with the item.

**§ 181.13 Removal of labels.**

No person may remove a label required by this part or remove or alter any information on a label required by this part, unless authorized by the Commandant.

**§ 181.15 Contents of labels.**

(a) Each label required by § 181.7 must contain—

(1) The name and address of the manufacturer or private label merchandiser who certifies that the boat or item of associated equipment complies with the standards prescribed in Part 183 of this subchapter; and

(2) Except as provided in paragraph (c) of this section, the words—

(i) "This (insert "Boat" or "Equipment") Complies With U.S. Coast Guard Safety Standards In Effect On (insert date of certification as prescribed in paragraph (b) of this section)"; or

(ii) If the item being certified is a boat or boat hull, the label may show the words, "This Boat Complies With U.S. Coast Guard Safety Standards In Effect On The Date of Certification."

(b) Date of certification must be no earlier than the date on which construction or assembly began and no later than the date on which the boat or item of associated equipment leaves the place of manufacture or assembly or import for the purposes of sale.

(c) If a boat displays the stability warning label required by § 183.23 of this subchapter, the words "Except Load Capacity" must be inserted after the words "Safety Standards" and before "In Effect" in the statement prescribed by paragraph (a) (2) of this section.

(d) Except as provided in paragraph (e) of this section, the manufacturer may, in addition to the information required by paragraphs (a), (b), and (c) of this section, display on the certification label any or all of the following items of information:

- (1) Model name or designation.
- (2) Hull identification number (if a boat) or serial number (if an item of associated equipment).
- (3) Model year.

(e) Display of the hull identification number on the certification label does

not satisfy the display requirements of § 181.29.

**§ 181.17 Label numbers and letters.**

Letters and numbers on each label must—

(a) Be no less than one-eighth of an inch in height; and

(b) Contrast with the basic color of the label, except that the date of certification may be permanently stamped, engraved, or embossed on the label.

**§ 181.19 Construction of labels.**

(a) Each label must be made of material that can withstand exposure to water, oil, salt spray, direct sunlight, heat, cold, and wear expected in normal use of the boat or item of associated equipment without deterioration of legibility.

(b) Each label must be made of material that shows visible traces of the alteration or removal of information on the label.

**Subpart C—Identification of Hulls**

**§ 181.21 Purpose and applicability.**

This subpart prescribes the requirements for identification of hulls of boats to which section 4 of the Federal Boat Safety Act of 1971 applies.

**§ 181.23 Hull identification numbers required.**

Except as provided in paragraph (b) of this section—

(a) Each manufacturer of a boat hull shall identify that hull with a hull identification number that meets the requirements of this subpart;

(b) Each person who imports a boat or boat hull shall identify that hull with a hull identification number that meets the requirements of this subpart, unless the manufacturer of that hull or boat has already identified the hull with a hull identification that meets the requirements of this part; and

(c) No person may assign the same first eight characters of a hull identification number to more than one boat hull.

**§ 181.25 Hull identification number format.**

Each hull identification number required by § 181.23 must consist of 12 characters as follows:

(a) The first three characters must consist of a manufacturer identification assigned under § 181.31.

(b) Characters 4 through 8 must be assigned by the manufacturer and must be letters of the English alphabet or Arabic numerals or both, except the letters I, O, and Q.

(c) Characters 9 through 12 must indicate the date of certification. The characters must be either—

(1) Arabic numerals with characters 9 and 10 indicating the month and characters 11 and 12 indicating the last two numerals of the year; or

(2) A combination of Arabic numerals and letters of the English alphabet with character 9 indicated as "M," characters 10 and 11 the last two numerals of the model year, and character 12 the month of the model year. The

first month of the model year, August, must be designated by the letter "A," the second month, September, by the letter "B," and so on until the last month of the model year, July.

**§ 181.27 Additional characters in hull identification number.**

A manufacturer may display additional characters after the 12 characters required by § 181.25 if they are separated from the hull identification number by a hyphen.

**§ 181.29 Hull identification number display.**

(a) The hull identification number must be carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outermost starboard side at the end of the hull that bears the rudder or other steering mechanism, above the waterline of the boat in such a way that alteration, removal, or replacement would be obvious and evident.

(b) The characters of the hull identification number must be no less than one-fourth of an inch in height.

**§ 181.31 Manufacturer identification assigned.**

(a) Each person required by § 181.23 to affix a hull identification number may request a manufacturer identification from the Commandant (GBBC), 400 Seventh Street SW., Washington, DC 20590. There is no charge for the assignment.

*Effective date.* This amendment shall become effective on November 1, 1972.

Dated: July 27, 1972.

T. R. SARGENT,  
Vice Admiral, U.S. Coast Guard,  
Acting Commandant.

[FR Doc. 72-12021 Filed 8-3-72; 8:45 am]

[CGD 72-61R]

**PART 183—BOATS AND ASSOCIATED EQUIPMENT**

The purpose of these amendments is to prescribe safety standards for safe loading, safe powering, emergency flotation, and marking of capacity information on certain boats. A notice of proposed rule making was published in the FEDERAL REGISTER on April 22, 1972 (37 F.R. 8046), proposing adoption of these safety standards under the authority of sections 5, 7, and 39 of the Federal Boat Safety Act of 1971 (85 Stat. 213, 215, 216, 228; 46 U.S.C. 1454, 1456, 1488).

On May 17, 1972, a public hearing was held at U.S. Coast Guard Headquarters in Washington, D.C., to receive the views of interested persons on the proposed regulations. During the period April 22, 1972, to May 31, 1972, written comments from interested persons were received. The Coast Guard has considered these oral and written comments in preparing the final rule.

Each standard has been developed in accordance with the requirements of section 6 of the Federal Boat Safety Act of

1971. The Boating Safety Advisory Council was consulted on March 28, 1972. The Council recommended that the standards be published as regulations. The transcript of the proceedings of the meeting of the Boating Safety Advisory Council at which these regulations were discussed is available for examination in Room 6240, U.S. Coast Guard Headquarters, Department of Transportation Headquarters Building, 400 Seventh Street SW., Washington, DC 20590. The minutes of the meetings are available from the Executive Director, Boating Safety Advisory Council, at this address. A different part number from that proposed in the notice has been selected for addition of these rules to Title 33, Subchapter S, Boating Safety, was added to Title 33 on July 7, 1972 (37 F.R. 13346).

During the comment period, comments were received concerning Subpart B—Display of Capacity Information. Comments stated that the maximum number of persons, calculated on the basis of 150 pounds per person required to be displayed, did not consider that the actual weight of a person can vary widely as between adult and child and that a group of one adult and a number of children could exceed the number of persons stated on the plate without exceeding the maximum person weight determined as a step in calculating maximum number of persons. The Coast Guard agrees with these comments and § 183.25(b) (1) and (2) now requires the display of the maximum persons capacity in pounds in lieu of the number of persons at 150 pounds per person. Comments requested that the maximum number of persons statement required by proposed § 180.25(b) be revised to indicate that it is only a guide and that only the maximum weight in pounds should govern. The effect of this proposal would be that additional persons who are able to move about and whose center of gravity is generally quite high could be substituted for gear or motor weight which is not so subject to movement and is generally lower in the boat than persons. Maximum weight capacity requirements are based generally on the size of the boat. They do not consider the boat's stability characteristics. The maximum weight of persons must never exceed this value but may be further restricted by the boat's stability characteristics as determined by the performance test in § 183.39, § 183.41, or § 183.43 as applicable. The maximum weight of persons, based on a boat's stability characteristics, is important safety information and should receive equal emphasis with the maximum weight capacity.

A further comment requested that, if a smaller outboard motor than that listed on the capacity information were installed, the difference in weight be allowed as extra passenger weight. While under the requirements the weight difference can be applied as extra gear weight, it cannot be applied as passenger weight because of the stability considerations.

Several comments objected to the wording of the safety warning of pro-

posed Figure 180.23 in that the phrase "Boat Overturms Easily" may imply that the boat is inherently unsafe. The wording of Figure 183.23 has been revised to incorporate wording suggested by the Hull Performance Committee of the American Boat and Yacht Council: "Boat May Overturm, Operate With Care."

Several comments pointed out differences in the proposed capacity marking requirements of § 180.25 from those of similar markings now being placed voluntarily on boats by some manufacturers and those required by some States.

Section 2 of the Federal Boat Safety Act of 1971 indicates that it is a purpose of the Act to encourage greater uniformity of boating laws and regulations as among the several States and the Federal Government. As this purpose is achieved, the differences in State requirements, which apply on waters solely under State jurisdiction, and the Coast Guard requirements will decrease.

One comment suggested that each boat be marked with the sea and weather conditions and level of seamanship under which the capacity information applies. The number of combinations of boat size, type, and service is immense and there is not sufficient justification at the present time to require such marking.

Two comments concerned the possible effect of the required persons capacity display on the sale and use of pirogues, whale boats, dories, skiffs, and other boats of historical or unique design as well as very small "car toppers" and dinghies. While some boats of unique design or very small size may have calculated persons capacities of lesser weight than they appear to be able to carry based on the number of thwarts or seating positions, § 183.23 allows a higher value to be displayed on boats built before August 1, 1973, if appropriate stability warning labels are also displayed. Neither comment contained data supporting the expressed concern. However, if it proves necessary, the Coast Guard will consider further the stability and safety characteristics of these types of boats during the period in which warning label display is authorized.

Another comment suggested that racing and other high performance boats be excepted from the requirement to display horsepower capacity information. The comment indicates that such boats are carefully designed and are operated by real experts. The use to which a boatman puts a boat may not be that for which the boat is designed. Boats designed for racing are used for more general boating activities by boatmen of varying skills. The standard for display of capacity information is intended to provide safety information to the boatmen who may not have expert knowledge of a particular boat's characteristics.

Subpart C—Safe Loading concerns the calculations and testing necessary to determine persons capacity and maximum weight capacity to be displayed on the capacity information in § 183.25. The subpart, as adopted, has been revised to delete the portions of the calculations

concerning the determination of number of passengers to agree with the changes in Subpart B—Display of Capacity Information.

Other comments concerned Subpart D—Safe Powering. A comment noted that Table 183.53 did not apply to boats having a factor between 52.5 and 53. This has been corrected by reducing the the minimum factor in the lower portion of the table to 52.5. Also, § 183.25 has been revised to allow a manufacturer to display a horsepower capacity on the boat which is less than the horsepower determined in Table 183.53. This will allow the manufacturer additional flexibility in determining the required capacity information without a decrease in the level of safety.

One comment expressed concern that a boat with a transom having excessive flare in the upper region might gain an unwarranted power advantage in the safe powering standard prescribed in Subpart D. This standard is essentially the same as that being used in a current industry association voluntary certification program. There is no evidence of manufacturer misuse of this standard. If this does become a common practice, The Coast Guard will consider amending the standard.

Other comments concerned Subpart E—Flotation. Several comments noted that the quantity of flotation needed in a given boat to comply with the performance requirements of § 183.63 is less than that which would result if the calculation method of § 183.67 is used. Section 183.63 establishes the performance level which the boat must attain. Section 183.67 provides an alternate method, which does not require in-the-water testing. This calculation rule can be applied to a wide variety of hull shapes and sizes and thus it is stated more conservatively than § 183.63.

One comment questioned the propriety of disregarding holes in the motorwell of outboard boats to allow passage of control cables when calculating the maximum displacement in accordance with § 183.35. These openings have been allowed in industry-recommended practices and State regulations and laws for many years. Holes of the size and location allowed have not been a primary cause of boat flooding in reported boat accidents.

A comment questioned the necessity of § 183.65(b) which permits the use of air chambers for flotation until August 1, 1973, since there is no requirement for flotation prior to that date. Section 183.65(b) has been deleted.

Requirements for flotation in §§ 183.63, 183.65, and 183.67 have been changed from the proposal to allow the manufacturer greater latitude in choosing flotation materials. This change is in response to comments that the "inherently buoyant" limitation on flotation materials in the proposal did not encourage the development of new flotation methods.

One comment objected to the proposed effective dates of the standards. These dates, earlier than 180 days from the

date at which the rule is published, are needed in order that boats produced during the winter production period for sale in 1973 will meet the standards.

The safe loading, safe powering, and display of capacity information standards will provide the boatman with important safety information. These standards do not require design changes to boats and the effective date of November 1, 1972, is considered as reasonable. This date coincides with the effective date of the Certification Label requirements in New Part 181.

The Flotation Standard may involve design changes for some boats. The effective date, August 1, 1973, will allow sufficient time for these changes to be made. The effective date coincides with the beginning of a new model year for many manufacturers.

In the notice of proposed rule making, this rule was numbered as Part 180; the numbering has been changed from Part 180 of Subchapter S of Title 33, Code of Federal Regulations, to Part 183.

In consideration of the foregoing, Subchapter S of Chapter I, Title 33, Code of Federal Regulations, is amended by adding a new Part 183 to read as follows:

#### Subpart A—General

- Sec.  
183.1 Purpose and applicability.  
183.3 Definitions.

#### Subpart B—Display of Capacity Information

- 183.21 Applicability.  
183.23 Capacity marking required.  
183.25 Display of markings.  
183.27 Construction of markings.

#### Subpart C—Safe Loading

- 183.31 Applicability.  
183.33 Maximum weight capacity: Inboard and inboard-outdrive boats.  
183.35 Maximum weight capacity: Outboard boats.  
183.37 Maximum weight capacity: Boats without mechanical propulsion.  
183.39 Persons capacity: Inboard and inboard-outdrive boats.  
183.41 Persons capacity: Outboard boats.  
183.43 Persons capacity: Boats without mechanical propulsion.

#### Subpart D—Safe Powering

- 183.51 Applicability.  
183.53 Horsepower capacity.

#### Subpart E—Flotation

- 183.61 Applicability.  
183.63 Quantity of flotation required.  
183.65 Flotation materials.  
183.67 Method for determining quantity of flotation.

**AUTHORITY:** The provisions of this Part 183 issued under secs. 5, 7, and 39, 85 Stat. 213, 215, 216, 228 (46 U.S.C. 1454, 1456, 1488; 49 CFR 1.46(o) (1)).

#### Subpart A—General

##### § 183.1 Purpose and applicability.

This part prescribes standards and regulations for boats and associated equip-

ment to which section 12 of the Federal Boat Safety Act of 1971 applies and to which certification requirements in Part 181 of this subchapter apply.

##### § 183.3 Definitions.

(a) "Beam" means the maximum transverse distance between the outer sides of the hull excluding fenders, joiner strips, and other extensions.

(b) "Boat" means any vessel manufactured or used primarily for noncommercial use; leased, rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.

(c) "Length" means the straight line horizontal distance between the intersection of the stem and stern profiles with the sheer excluding fenders or other extensions.

(d) "Monohull boat" means a boat on which the line of intersection of the water surface and the boat at any operating draft forms a single closed curve. For example, a catamaran, trimaran, or pontoon boat is not a monohull boat.

(e) "Sailboat" means a boat designed or intended to use sails as the primary means of propulsion.

(f) "Sheer" means the fore-and-aft curve in a vertical plane of the topmost line in a vessel's side.

(g) "Vessel" includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

#### Subpart B—Display of Capacity Information

##### § 183.21 Applicability.

This subpart applies to monohull boats less than 20 feet in length, except sailboats, canoes, kayaks, and inflatable boats.

##### § 183.23 Capacity marking required.

(a) Except as provided in paragraph (b), each boat must be marked in the manner prescribed in §§ 183.25 and 183.27 with the maximum weight capacity, maximum persons capacity determined under §§ 183.33 through 183.43, and maximum horsepower capacity determined under § 183.53.

(b) Any boat, the construction or assembly of which begins before August 1, 1973, may have displayed thereon a maximum persons capacity greater than that determined in §§ 183.39 through 183.43 if the maximum persons capacity displayed does not exceed the maximum weight capacity and the boat displays at least two stability warning labels prescribed in paragraph (c) of this section.

(c) Each of the stability warning labels required by paragraph (b) of this section must—

- (1) Be waterproof;
- (2) Be displayed at normal boarding positions; and
- (3) Have a plan view of the boat and the words in block letters in the sizes shown in figure 183.23 in colors that contrast with the background of the label.



Figure 183.23

§ 183.25 Display of markings.

(a) Each marking required by § 183.23 (a) must be permanently displayed in a legible manner where it is clearly visible to the operator when he is getting the boat underway.

(b) The information required to be marked by § 183.23(a) must be displayed in the following manner—

(1) For outboard boats:

U.S. Coast Guard Capacity Information  
 Maximum horsepower-----XXX  
 Maximum persons capacity (pounds) - XXX  
 Maximum weight capacity (persons, motor, and gear) (pounds)-----XXX

(2) For inboard boats, inboard-outdrive boats, and boats without mechanical propulsion:

U.S. Coast Guard Capacity Information  
 Maximum persons capacity (pounds) - XXX  
 Maximum weight capacity (persons and gear) (pounds)-----XXX

§ 183.27 Construction of markings.

Each marking required by § 183.23(a) must be—

$$W = \frac{\text{(Maximum displacement)}}{5} - \frac{\text{Boat weight}}{5} - \frac{4 \text{ (Machinery weight)}}{5}$$

(b) For the purposes of paragraph (a) of this section—

(1) "Maximum displacement" is the weight of the volume of water displaced by the boat at its maximum level immersion in calm water without water coming aboard. For the purpose of this paragraph, a boat is level when it is transversely level and the points where the sheer intersects the stem and the stern (or transom) are equidistant above the water surface.

(2) "Boat weight" is the combined weight of the boat hull and all its permanent appurtenances, including machinery weight.

(3) "Machinery weight" is the combined weight of installed engines or motors, full fuel system and tanks, control equipment, drive units and batteries.

§ 183.35 Maximum weight capacity: Outboard boats.

(a) The maximum weight capacity marked on a boat that is designed or intended to use one or more outboard motors for propulsion must be a number that does not exceed one-fifth of the difference between its maximum displacement and boat weight.

(b) For the purposes of paragraph (a) of this section—

(1) "Maximum displacement" is the weight of the volume of water displaced by the boat at its maximum level immersion in calm water without water coming aboard except for water coming through one opening in the motor well with its greatest dimension not over 3 inches for outboard motor controls or fuel lines. For the purpose of this paragraph, a boat is level when it is transversely level and the points where the sheer intersects the stem and the stern (transom) are equidistant above the water surface.

(a) Capable of withstanding the combined effects of exposure to water, oil, salt spray, direct sunlight, heat, cold, and wear expected in normal operation of the boat, without loss of legibility; and

(b) Resistant to efforts to remove or alter the information without leaving some obvious sign of such efforts.

Subpart C—Safe Loading

§ 183.31 Applicability.

This subpart applies to monohull boats less than 20 feet in length except sailboats, canoes, kayaks, and inflatable boats.

§ 183.33 Maximum weight capacity: Inboard and inboard-outdrive boats.

(a) The maximum weight capacity marked on a boat that has one or more inboard engines or inboard-outdrive units for propulsion must not exceed *W* in the formula:

(2) "Boat weight" is the combined weight of the boat hull and all its permanent appurtenances. For the purposes of this paragraph, outboard motors are not permanent appurtenances.

§ 183.37 Maximum weight capacity: Boats without mechanical propulsion.

(a) The maximum weight capacity marked on a boat that is not designed or intended to have mechanical propulsion must not exceed one-fifth of the difference between the boat's maximum displacement and the boat weight.

(b) For the purposes of paragraph (a) of this section—

(1) "Maximum displacement" is the weight of the volume of water displaced by the boat at its maximum level immersion in calm water without water coming aboard. For the purpose of this paragraph, a boat is level when it is transversely level and the points where the sheer intersects the stem and the stern (transom) are equidistant above the water surface.

(2) "Boat weight" is the combined weight of the boat hull and all its permanent appurtenances.

§ 183.39 Persons capacity: Inboard and inboard-outdrive boats.

The persons capacity marked on a boat that is designed or intended to use one or more inboard engines or inboard-outdrive units must not exceed the lesser of the maximum weight capacity determined under § 183.33 for the boat or the maximum persons capacity determined by the following test in calm water:

(a) Float the boat, with all its permanent appurtenances, including installed engines, full fuel system and tanks, control equipment, drive units, and batteries.

(b) Gradually add weights along one outboard extremity of each passenger

carrying area, at the height of the seat nearest the center of that area and distributed equally forward and aft of that center in a plane parallel to the floorboards, until the boat assumes the maximum list or trim, or both, without water coming aboard.

(c) Compute the persons capacity in the following formula:

$$\text{Persons capacity} = \frac{A}{0.6}$$

where *A* is the total of the weights added in paragraph (b) of this section.

§ 183.41 Persons capacity: Outboard boats.

The persons capacity marked on a boat that is designed or intended to use one or more outboard motors for propulsion must not exceed the lesser of the maximum weight capacity determined under § 183.35 for the boat or the live load capacity determined by the following test in calm water:

(a) Float the boat with all its permanent appurtenances.

(b) Add, in normal operating positions, the dry motor and control weight, battery weight, and portable tank weight, if any, shown in Table 183.67(a) for the maximum horsepower capacity marked on the boat. For permanently installed fuel tanks, add 6 pounds of weight for each gallon of fuel capacity.

(c) Gradually add weights along one outboard extremity of each passenger carrying area, at the height of the seat nearest the center of that area and distributed equally forward and aft of that center in a plane parallel to the floorboards until the boat assumes the maximum list or trim, or both, without water coming aboard.

(d) Compute the persons capacity in the following formula:

$$\text{Persons capacity} = \frac{A}{0.6}$$

where *A* is the total of the weights added in paragraph (c) of this section.

§ 183.43 Persons capacity: Boats without mechanical propulsion.

The persons capacity marked on a boat that is not designed or intended to have mechanical propulsion must not exceed the lesser of the maximum weight capacity determined under § 183.37 for the boat or the live load capacity determined by the following test in calm water:

(a) Float the boat, with all its permanent appurtenances.

(b) Gradually add weights along one outboard extremity of each passenger carrying area at the height of the seat nearest the center of that area and distributed equally forward and aft of that center in a plane parallel to the floorboards until the boat assumes the maximum list or trim, or both, without water coming aboard.

(c) Compute the persons capacity in the following formula:

$$\text{Persons capacity} = \frac{A}{0.6}$$

where *A* is the total of the weights added in paragraph (b) of this section.

## Subpart D—Safe Powering

## § 183.51 Applicability.

This subpart applies to monohull boats less than 20 feet in length, except sailboats, canoes, kayaks, and inflatable boats, that are designed or intended to use one or more outboard motors for propulsion.

## § 183.53 Horsepower capacity.

The maximum horsepower marked on a boat must not exceed the horsepower capacity determined as follows:

TABLE 183.53—OUTBOARD BOAT HORSEPOWER CAPACITY  
COMPUTE: FACTOR=BOAT LENGTH X TRANSM WIDTH

If factor (nearest integer) is.....	0-35	36-39	40-42	43-45	46-52
Horsepower capacity is.....	3	5	7½	10	15

NOTE: For flat bottom hard chine boats, with factor or 52 or less, reduce one capacity increment (e.g. 5 to 3)

If factor is over 52.5 and the boat has.....	Remote steering and at least 20" transom height	No remote steering, or less than 20" transom	
		For flat bottom hard chine boats	For other boats
Horsepower capacity is (raise to nearest multiple of 5).....	(2 X Factor) - 90	(0.5 X Factor) - 15	(0.8 X Factor) - 25

(d) For flat bottom hard chine boats with a factor of 52 or less, the horsepower capacity must be reduced by one horsepower capacity increment in Table 183.53.

## Subpart E—Flotation

## § 183.61 Applicability.

This subpart applies to monohull boats the construction or assembly of which is begun after July 31, 1973, and which are less than 20 feet in length, except sailboats, canoes, kayaks, and inflatable boats.

## § 183.63 Quantity of flotation required.

Each boat must have—

(a) At least that quantity of flotation prescribed in § 183.67; or

(b) Enough flotation to keep any portion of the boat above the surface of the water when the boat is filled with water and loaded with—

(1) A weight that, when submerged, equals two-fifteenths of the persons capacity marked on the boat; and

(2) A weight that, when submerged, equals 25 percent of the dead weight; and

(3) A weight in pounds that, when submerged, equals 62.4 times the volume of the two largest air chambers, if air chambers are used for flotation; and

(4) For outboard motor boats, a weight that, when submerged, equals the submerged motor and control weight from Table 183.67(a).

(a) Compute a factor by multiplying the boat length in feet by the maximum transom width in feet including spray rails if spray rails act as chines or part of the planing surface. If the boat does not have a full transom, the transom width is the broadest beam in the aftermost quarter length of the boat.

(b) Locate horsepower capacity corresponding to the factor in Table 183.53.

(c) If the horsepower capacity in Table 183.53 is not an even multiple of 5, it may be raised to the next even multiple of 5.

(c) For the purpose of this section, "dead weight" means—

(1) For outboard boats and boats without mechanical propulsion, the maximum weight capacity marked on the boat minus the sum of—

(i) Motor and control weight, and battery weight (dry) from Table 183.67(a); and

(ii) The persons capacity determined under § 183.41 for the boat, and

(2) For inboard boats, the maximum weight capacity marked on the boat minus the persons capacity determined under § 183.39 for the boat.

## § 183.65 Flotation materials.

(a) The flotation required by § 183.63 must be made of materials that are—

(1) Capable of withstanding the combined effects of contact with oil, oil products, or other liquids or compounds with which the material may be expected to come in contact during normal use, including fuel oil, gasoline, grease, lubricating oil, common bilge solvents, and salt and fresh water;

(2) Capable of withstanding combined exposure to sunlight, vibration, shock, and temperature variations which may be expected during normal use;

(3) Installed in such a manner that the flotation is fully effective when the boat is flooded or capsized.

(b) Any air chamber used for flotation must not be an integral part of the hull.

## § 183.67 Method for determining quantity of flotation.

The minimum quantity of flotation required by § 183.63(a) must be determined by the following method:

(a) Step 1: Determine the Submerged Weight of Boat ( $W_s$ ) in the formula:

$$W_s = Wh K_1 + Wd K_2 + 0.69 W_e$$

Where:

$W_s$  = Submerged weight of boat.

$Wh$  = Dry weight of hull.

$Wd$  = Dry weight of deck and superstructure.

$W_e$  = Dry weight of permanent appurtenances except motor and control weight, battery weight, and portable tank weight.

$K_1$  and  $K_2$  = Conversion factors for materials used from Table 183.67(b).

(b) Step 2: Determined submerged weight of engine and related equipment ( $G$ ) as follows:

(1) For outboard boats,  $G$  equals the sum of the submerged motor and control weight, battery weight, and full fuel tank weight from Table 183.67(a) for maximum horsepower capacity marked on the boat in accordance with § 183.53.

(2) For inboard boats  $G$  equals 75 percent of the installed weight of engine, drive, and fuel system.

(c) Step 3: Determine dry weight of load ( $C$ ) as follows:

(1) For outboard boats,  $C$  equals the maximum weight capacity as determined in § 183.35 minus the sum of dry motor and controlled weight, battery weight, and full fuel tank weight from Table 183.67(a).

(2) For inboard boats,  $C$  equals the maximum weight capacity as determined in § 183.33.

(d) Step 4: Determine Flotation required ( $W$ ) in the formula:

$$W = W_s (\text{Step 1}) + G (\text{Step 2}) + 0.25 C (\text{Step 3}).$$

(e) Step 5: Determine the volume of flotation material ( $F$ ) needed in the formula:

$$F = \frac{\text{Flotation required (W)} + \text{Chamber volume (V)}}{\text{Buoyancy of flotation material}}$$

where: "Flotation required" is that value of  $W$  determined in Step 4; "Chamber volume" is the volume of the two largest air chambers, if air chambers are used for flotation; and "Buoyancy of flotation material" is determined by subtracting from the density of fresh water the density of the flotation material. The density of the flotation material must be determined after the material has been immersed in fresh water for one-half hour. When air chambers are used, the "Buoyancy of flotation material" is 62.4 lbs./ft.<sup>3</sup>

RULES AND REGULATIONS

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TABLE 183.67(a)

WEIGHTS OF OUTBOARD MOTOR AND RELATED EQUIPMENT FOR VARIOUS BOAT HORSEPOWER RATINGS

Boat horsepower rating	Motor and control weight		Battery weight		Full portable fuel tank weight <sup>2</sup>		
	Dry	Wet <sup>1</sup>	Dry	Wet <sup>1</sup>	Dry	Wet <sup>1</sup>	
Under 4.....	35	20					
4.1 to 5.....	55	34			25		-1
5.1 to 10.....	70	55	20	11	50		-1
10.1 to 30.....	105	86	45	25	50		-1
30.1 to 50.....	190	138	45	5	100		-3
50.1 to 75.....	240	163	45	25	100		-3
75.1 to 150.....	305	218	45	25	100		-3
Transoms designed for twin motors:							
60.0 to 100.....	380	268	45	25	100		-3
100.1 to 150.....	480	328	45	25	100		-3
150.1 to 300.....	610	413	45	25	100		-3

<sup>1</sup> Wet in this case means submerged.

<sup>2</sup> If the boat has a permanent built-in fuel tank, the tank should be full for the test and the "Full Portable Fuel Tank Weight" excluded.

TABLE 183.67(b)

FACTORS FOR CONVERTING VARIOUS BOAT MATERIALS FROM DRY TO SUBMERGED WEIGHT

Material	Sp. Gr.	Factor
Steel.....	7.85	0.88
Aluminum.....	2.73	0.63
Fiberglass.....	1.50	0.33
A.B.S.....	1.12	0.11
Oak.....	0.63	-0.56
Mahogany.....	0.56	-0.78
Ash.....	0.56	-0.78
Yellow Pine.....	0.55	-0.81
Fir Plywood.....	0.55	-0.81
Mahogany Plywood.....	0.54	-0.83
Royalox.....	0.50	-0.95
Cedar.....	0.33	-1.95
Balsa end grain.....	0.16	-5.24

*Effective date.* This amendment shall become effective on November 1, 1972.

Dated: July 27, 1972.

T. R. SARGENT,  
Vice Admiral, U.S. Coast Guard,  
Acting Commandant.

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